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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,289	10/17/2001	Rodney P. Ehrlich	739/37925/31	7844

7590 10/22/2003

Trexler, Bushnell, Giangiorgi
Blackstone & Marr, Ltd.
36th Floor
105 West Adams Street
Chicago, IL 60603

EXAMINER

JACKSON, ANDRE L

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/982,289

Applicant(s)

EHRlich, RODNEY P.

Examiner

Andre' L. Jackson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25, 27, 28, 30, 31 and 34-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31 is/are allowed.
- 6) ☒ Claim(s) 1-15, 19-25, 28, 30, 34, 37, 38, 40, 42-46, 48-54, 56-58, 60, 61, 64-69, 71 and 72 is/are rejected.
- 7) ☒ Claim(s) 16-18, 27, 35, 36, 39, 41, 47, 55, 59, 62, 63, 70 and 73 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7-8, 10-12, 14-15, 19-21, 23-25, 28, 30, 34, 37, 48, 49, 51-54, 56-58, 60-61 and 64 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 2,861,830 to Bennett. Bennett discloses a door lock mechanism configured for use with a trailer having a floor; a rear frame (24) having an opening there-through and structure on a bottom portion thereof; at least one door (20) mounted in the rear frame; a sleeve (36) mounted on the door and extends a substantial dimension of the door of the trailer; an end cap (44) disposed at an end of the sleeve; a lock-rod (34) disposed in the sleeve and extending through an opening in the end cap, where the lock-rod is sandwiched between the sleeve and the door; and a handle assembly (68) connected to the lock-rod, the handle assembly having a first structure (40) thereon configured to engage corresponding structure (42) on the trailer, thereby locking the door in place, the handle assembly configured for actuation to rotate the lock-rod, thereby selectively locking and unlocking the door, the handle assembly including a handle and a second structure (72a) provided on the handle and configured to engage corresponding structure (70a) on the trailer, thereby locking the handle in place and preventing further substantial movement of the handle relative to the door by the insertion of a padlock in a hole (71a) ;

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the second structure including a dog (72b) provided on the handle to engage a corresponding opening of 70a on the trailer, an L-shaped, inclined member (62a) provided on the handle and configured for engagement with the corresponding opening on the trailer, the member being inclined relative to the horizontal at an angle between zero and ninety degrees, such that the member can be moved into engagement with the corresponding opening primarily by gravity, the second structure further includes a base portion (defined by the interconnection of the second structure and the inclined member at 60a), wherein the second structure further includes an aperture through the base portion and the member includes an aperture there-through, both apertures are in alignment such that an associated pin (60) can be inserted through the apertures, where the member is pivotally mounted on the base portion and the handle assembly hangs below the door.

Referring to claims 8, 21, 34, 49, 61 and 67, Bennett further includes a pivotable member (78) in communication with the handle assembly, a lever (68a) disposed on the handle where the lever includes a pin (72) that extends through an aperture wall (74) in the handle. The lever configured such that the lever can be manipulated relative to the handle such that the pin is over the tongue and alternately a padlock can be inserted in an opening (71) to prevent pin from moving to an opening direction.

Claims 38, 40, 44 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 4,768,816 to Bakula. Bakula discloses a door fastener configured for use with a trailer having at least one door, the door fastener comprising a sleeve (15) mounted on the door of the trailer; an end cap section (19) disposed at an end of the sleeve; a lock rod (14) disposed in the

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sleeve and a portion (23) extending through an opening in the end cap; a cam structure (24) provided at an end of the lock rod; a handle assembly (16, 18) connected to the lock rod, the handle assembly having a portion thereof configured to engage corresponding structure (17) on the trailer, thereby locking the door in place, the handle assembly configured for actuation to rotate the lock rod, thereby selectively locking and unlocking the door; and a thrust bearing (21,22) disposed between the end cap and cam structure, the thrust bearing being in direct contact with the end cap and the cam structure, the thrust bearing being rotatable relative to the end cap and cam structure.

As to claim 45, an opposite end of the shaft (upper end or top) includes similar bearing structure disposed between a second end cap and cam structure. See column 4, lines 8-12.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 13, 22, 50 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett in view of USPN 4,082,330 to McWhorter. Bennett discloses all the limitations of the above claims except Bennett does not disclose that the tongue member is generally T-shaped or that the corresponding structure has a T-shaped opening or slot. McWhorter teaches a door lock assembly comprising a handle assembly having a handle (12) and a T-shaped tongue structure (19) configured to engage a corresponding T-shaped slot (21) mounted on respective

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doors (13) to firmly and securely locks the handle. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the door lock mechanism of Bennett to include the door lock assembly of McWhorter to provide a handle assembly having mirrored shaped parts to firmly and securely lock the parts.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett in view of USPN 4,660,872 to Carson et al, and in further view of USPN 3,451,705 to Turpen. Bennett discloses the use of thrust bearings (36) disposed between the end caps and the handle assembly but Bennett does not disclose that the bearings are split bearings made of high-density polyethylene. Carson et al teaches a latch mechanism including polyethylene thrust bearings (26, 126) providing self-lubricating properties and Turpen shows a split bearing assembly (22) that is easily changeable. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the door lock mechanism of Bennett to include the combination of features taught by Carson et al and Turpen to provide a thrust bearing for a door lock mechanism providing a smooth self lubricating buffer that is easily changeable.

Claims 42, 43 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bakula in view of Carson et al, and in further view of Turpen. Bakula discloses the use of thrust bearings (21, 22) disposed between end caps and associated cam structure but Bakula does not disclose that the bearings are split bearings made of high-density polyethylene. Carson et al teaches a latch mechanism including polyethylene thrust bearings (26, 126) providing self-lubricating properties and Turpen shows a split bearing assembly (22) that is easily changeable. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the door lock mechanism of Bennett to include the combination

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of features taught by Carson et al and Turpen to provide a thrust bearing for a door lock mechanism providing a smooth self lubricating buffer that is easily changeable.

Allowable Subject Matter

Claim 31 is allowed.

Claims 16-18, 27, 35, 36, 39, 41, 47, 55, 59, 62, 63, 70 and 73 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Applicant's Arguments

Applicant's arguments filed in Amendment B on July 1, 2003 have been fully considered but they are not persuasive. Applicant's begins his remarks on page 19, third paragraph, asserting that the prior art of record relied upon (Bennett) does not disclose all the limitations in claim 1. Specifically, applicant states Bennett fails to disclose a sleeve extending a substantial dimension of the door. The Examiner has referenced a corresponding structure of Bennett to more clearly define what is considered a sleeve as explained above in this Action. Element 36 of Bennett is designated as the sleeve that extends a substantial dimension of the door as interpreted by the Examiner. The phrase "extending a substantial dimension" does not yield a range of proportions as part of what applicant regards as his invention. In other words, the above phrase is not bounded by additional limitations, which are specific to what is regarded a substantial dimension. Therefore, the above phrase is interpreted broadly by the Examiner, in which when applied to Bennett meets the limitations of claim 1 because element 36 extends a dimension

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substantially enough along the door to operatively support and guide the rotatable shaft therein.

For the above reasons, the Examiner feels Bennett anticipates the limitations of applicant's claim 1 and rejection of the claim 1 and subsequent dependent claims is maintained.

On page 20 of the above amendment, applicant argues that Bennett does not anticipate the limitations of amended claim 20, which recites a member being inclined relative to the horizontal at an angle between zero and ninety degrees and that the member is moved primarily by gravity. Applicant points out that the member or arm 62a of Bennett is not inclined relative to the horizontal as shown in Fig. 8 of Bennett. Applicant's point is noteworthy, however in applicant's claim it is not clear to what reference point or mark is defined by "the horizontal" as claimed. It is clear in Fig. 8 of Bennett that a closed or locked position is being illustrated, but the illustrations shown in Figs. 10 and 11 define the member or arm 62a disposed in an unlocked position at an angle relative to a horizontal plane defined by a front face of a door 20a (See column 6, lines 49-51).

Moreover, the recitation "such that said member can be moved into engagement with said corresponding opening primarily by gravity" does not constitute a positive limitation, but only requires the ability to so perform. It does not represent a limitation in any patentable sense. Since, the arm 62a of Bennett can execute the movement of applicant's member, Bennett anticipates the above limitation. For the above reasons, the Examiner feels that claim 20 and any ensuing dependent claims remain rejected by Bennett.

In response to applicant's remarks on pages 22 and 23, amendment to claim 48 and introduction of similar independent claim 66 which recite in particular "a second structure provided on said handle and configured to engage into said opening in said rear frame, thereby

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locking said handle in place and preventing further substantial movement of said handle relative to said door” is found not to be persuasive. As explained above in this Action, Bennett includes a second structure or cam 72a configured to engage an opening as seen in Fig. 9 to lock the handle 68a in place. A padlock averts further movement of the handle. Although the padlock is placed in a different opening than that of which the cam engages, applicant claims do not preclude additional structure (padlock) from anticipating what is actually preventing the handle from moving relative to the door. Therefore, Bennett broadly interpreted, anticipates all of the limitations of the above claims.

As to applicant’s remarks on page 22 that Bennett does not disclose a thrust bearing as recited in amended claim 38, # 4,768,816 to Bakula has been cited which meets the limitations of the above claim.

Accordingly, claims 1-15, 19-25, 28, 30, 34, 37, 38, 40, 42-46, 48-54, 56-58, 60, 61, 64-69, 71 and 72 are rejected. Claims 16-18, 27, 35, 36, 39, 41, 47, 55, 59, 62, 63, 70 and 73 are objected to and claim 31 is allowed over the prior art made of record.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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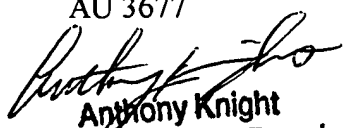
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (703) 605-4276. The examiner can normally be reached on Mon. - Fri. (10 am - 6 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (703) 308-3179. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1018.

ALJ

André L. Jackson
Patent Examiner
AU 3677

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